

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FREDRICK MARTINEZ,
Petitioner,
vs.
BILL GILESPIE, *et al.*,
Respondents.

2:07-cv-01038-JCM-PAL

ORDER

This closed action is a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, by an inmate. On May 5, 2008, the court dismissed this case as premature, because petitioner had not yet been convicted of any crime. (ECF No. 5).

Petitioner has filed a “motion for continuance of writ of habeas corpus” in which he seeks to file a habeas petition in this closed action. (ECF No. 7). Petitioner’s motion is denied. To the extent that petitioner seeks to challenge a conviction and has exhausted all claims by bringing them to the Nevada Supreme Court, he may file a new habeas corpus petition in a new action.

IT IS THEREFORE ORDERED that petitioner's motion for a continuance (ECF No. 7) is **DENIED**.

1 **IT FURTHER IS ORDERED** that the clerk of the court shall send petitioner two copies of
2 an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two
3 copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.

4 **IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but he
5 may not file further documents in this action.

6 DATED January 31, 2012.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE